

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: October 18, 2005
Public Hearing: November 8, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 4

SUBJECT:

An Ordinance changing the zoning of a portion of 75 feet by 150 feet out of Tract 52, Sunrise Acres No. 2, El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 4944 Hercules. Applicant: Osvaldo Gutierrez Romo. ZON05-00033 (District 4)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF 75 FEET BY 150 FEET OUT OF TRACT 52, SUNRISE ACRES NO. 2, EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, upon full review of the record, to include citizen input and recommending body reports, City Council has reasonably determined that the proposed change in zoning will not be a detriment to or incompatible with adjacent land uses or adverse to the public welfare, and should be approved as provided for herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *75 feet by 150 feet out of Tract 52, Sunrise Acres No. 2, El Paso, El Paso County, Texas*, more particularly described in Exhibit 'A', be changed from C-1 (Commercial) to C-3 (Commercial), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of November, 2005.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

(Signatures continue on following page)

APPROVED AS TO FORM:



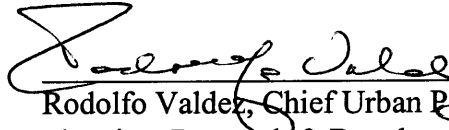
Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Planning, Research & Development
Department

APPROVED AS TO CONTENT:



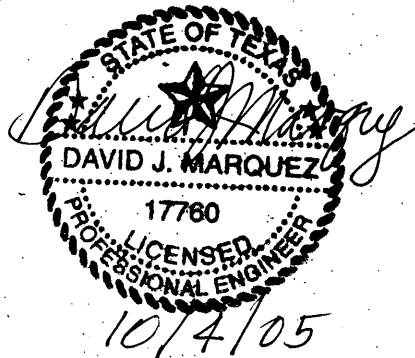
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department

A parcel of land being 75 feet by 150 feet out of Tract 52 SUNRISE ACRES NO. 2, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 2, Page 7, Plat Records, El Paso County, Texas, being more particularly described by metes and bounds as follows, to wit;

BEGINNING at a point in the South line of Hercules Drive which point is 75 feet East of the Northwest corner of said Tract 52, thence South 1 degree 11' East and parallel to the West line of Tract 52 a distance of 150 feet; thence North 88 degrees 49' East and parallel to the South line of Hercules Drive a distance of 75 feet; thence North 1 degree 11' West parallel to the West line of Tract 52 a distance of 150 feet; thence South 88 degrees 49' West along the South line of Hercules Drive 75 feet to the place of beginning.

EXHIBIT 'A'

POOR QUALITY ORIGINAL
BEST AVAILABLE FILM



THIS AND CORRECT COPY OF THE ORIGINAL RECORD FILED IN
EL PASO COUNTY TEXAS
RECORDED
INDEXED
EL PASO COUNTY CLERK



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DEPUTY DIRECTOR



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

October 4, 2005

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00033

The City Plan Commission (CPC), on September 22, 2005, voted **5 - 0** to recommend **APPROVAL** of this rezoning request, concurring with Staff's recommendation.

The CPC found that this rezoning request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning request is in the best interest, health, safety and welfare of the public in general.

There was **NO OPPOSITION** to this request.

Attachment: Site Plan, Location Map.

STAFF REPORT

Rezoning Case: ZON05-00033

Property Owner(s): Osvaldo Gutierrez Romo

Applicant(s): Osvaldo Gutierrez Romo

Representative(s): Ricardo Leal, Hector Daily, Cecilia Garcia Godoy

Legal Description: 75 feet by 150 feet out of Tract 52, Sunrise Acres No. 2

Location: 4944 Hercules

Representative District: # 4

Area: .26 Acres

Present Zoning: C-1 (Commercial)

Present Use: Beauty Shop, Video Store and Mechanic Shop

Proposed Zoning: C-3 (Commercial)

Proposed Use: Beauty Shop, Video Store and General Mechanic

Recognized Neighborhood Associations Contacted: Northeast Healthy Communities & Northeast Civic Association

Surrounding Land Uses:

North -	R-4 (Residential) / Public School
South -	C-1 (Commercial) / Vacant
East -	C-1 (Commercial) / Convenience Store
West-	A-2 (Commercial) / Multi-family Restaurant

Year 2025 Designation: Residential (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, SEPTEMBER 22, 2005
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON05-00033

General Information:

The applicant is requesting a rezoning from C-1 (Commercial) to C-3 (Commercial) in order to permit a general mechanic shop. The property is .26 acres in size and is currently a beauty shop, video store and mechanic shop. The proposed site plan shows an existing building located on the site. Access is proposed via Hercules with 6 (six) parking spaces provided. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for rezoning from C-1 (Commercial) to C-3 (Commercial).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the Northeast Planning Area designates this property for Residential land uses.

C-3 (Commercial) zoning permits a General Mechanic and **is not compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-3 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will a general mechanic be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Division Notes:

Site plan complies with minimum Yard and Lot Standards. Parking requirements shall be determined by number of bays provided rather than usable office space.
Landscape Ordinance will not apply to this request

Land Development Section Notes:

No Comments.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

No Comments.

El Paso Water Utilities Notes:

No objections.

Planning Division Notes:

Recommend denial of this rezoning request.

ATTACHMENT: Site Plan; Location Map.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



Site plan for Hercules Dr. showing two existing buildings, a parking area, a landscape area, and a driveway. The plan includes dimensions for building footprints, setbacks, and parking spaces. Key features include an 'EXIST. BLDG.' (40' x 37'), another 'EXIST. BLDG.' (60' x 40'), a 'CHK. RAMP', 'ASPH. PAVING', and a 'LANDSCAPE' area. The plan is bounded by Hercules Dr. to the north and south, and 150' and 75' setbacks to the east and west. A north arrow is present in the bottom right corner.

HERCULE DR.